

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

MATTHEW WAYNE JOHNSON,  
5421 N. Berkeley Boulevard  
Whitefish Bay, Wisconsin 53217

Plaintiff,

v.

U.S. DEPARTMENT OF STATE,  
2201 C Street, NW  
Washington, DC 20520

Defendant.

Case: 1:12-cv-01015  
Assigned To : Leon, Richard J  
Assign. Date : 6/20/2012  
Description: FOIA/Privacy Act

## COMPLAINT

1. This is a civil action under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, for injunctive and other appropriate relief requiring Defendant U.S. Department of State to immediately process and release agency records that Plaintiff Matthew Wayne Johnson requested.

## JURISDICTION

2. The Court has jurisdiction over this FOIA claim pursuant to 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1331.

## VENUE

3. Venue lies in this district pursuant to 28 U.S.C. § 1391.

## PARTIES

4. Plaintiff is a citizen of the United States and a resident of Wisconsin. His daughter, G.M.T., is a minor.

5. Defendant is a department of the executive branch of the United States

government and constitutes an agency within the meaning of 5 U.S.C. § 552(f)(1).

### **STATEMENT OF FACTS**

6. On February 24, 2012, Plaintiff filed an expedited application for a passport for his daughter. Plaintiff applied for the passport to take his daughter on a family vacation in Mexico from March 24-30, 2012.

7. At the present time, Defendant has neither granted nor denied Plaintiff's passport application.

8. On April 26, 2012, Plaintiff, through his counsel, submitted a FOIA request for "[a]ll records relating to Dr. Johnson's passport application dated February 23, 2012 (ref. no. 248639320) for his daughter, [G.M.T.]."

9. Defendant received Plaintiff's FOIA request on April 27, 2012.

10. By letter dated May 25, 2012, Defendant acknowledged receiving the FOIA request.

11. Defendant has possession, custody, or control of the records identified in Plaintiff's FOIA request.

12. To date, Defendant has neither produced documents nor denied Plaintiff's FOIA request. Defendant has not asserted any justification for withholding the documents.

13. More than 20 business days have passed since Defendant received Plaintiff's FOIA request. Plaintiff has thus exhausted his administrative remedies under 5 U.S.C. § 552(a)(6)(C).

### **COUNT ONE** (Violation of FOIA, 5 U.S.C. § 552)

14. Plaintiff reasserts the allegations made in Paragraphs 1 through 13 as if fully stated herein.

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15. Plaintiff's FOIA request reasonably described the records at issue and adhered to all applicable rules and regulations.

16. The requested records do not fall within any FOIA exception or exemption.

17. Defendant has violated FOIA, 5 U.S.C. § 552(a)(3)(A), by failing to timely produce the records that Plaintiff requested.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully requests that this Court:

A. Order Defendant to conduct a search for any and all records that are responsive to Plaintiff's FOIA request;

B. Order Defendant to produce, by a date certain, any and all records that are responsive to Plaintiff's FOIA request and a *Vaughn* index of any responsive records withheld under claim of exemption;

C. Enjoin Defendant from continuing to withhold any and all non-exempt records that are responsive to Plaintiff's FOIA request;


D. Award Plaintiff attorneys' fees and other costs reasonably incurred in this action pursuant to 5 U.S.C. § 552(a)(4)(E); and

E. Grant such other relief as the Court deems just and proper.

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Dated: June 20, 2012

Respectfully submitted,

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Martin J. Weinstein  
D.C. Bar No. 388746  
Michael P. Grady  
D.C. Bar No. 492947  
WILLKIE FARR & GALLAGHER LLP  
1875 K Street, NW  
Washington, DC 20006  
Phone: (202) 303-1000  
Fax: (202) 303-2000  
mweinstein@willkie.com  
mgrady@willkie.com

*Counsel for Plaintiff*